IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21953 of 2004

Between:

R. Raju Goud S/o late Narahari
R/o Nehru Nagar Colony Mallapur, Uppal Mandal, Ranga Reddy

District Licencee of Sri Durga Wines

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise, Nampally, Hyderad
2 The Prohibition and excise Superintendent, Ramga Reddy District, at

Nampally, Hyderabad
3 G. Ashok S/o Pentaiah
R/o Nagaram Village, Keesara Madnal, Ranga Reddy District,

Licencee of Abhishek Wines

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent Nos. 1 and 2 herein in proposing to permit the 3rd respondent to shift his licenced premises i.e., from Nagaram village, Keesara Mandal, R.R. District to Block No. Nehru Nagar Colony, Mallapur Village, Uppal Mandal, R.R. District is illegal and contrary to the provisions of A.P. Exicse Act and the Rules made there under and consequently direct the Respondent Nos. 1 and 2 not to permit the 3rd respondent to shift his existing licensed premises to Block No.1, Nehru Nagar colony, Mallapur Village Uppal mandal, RR district and to grant such other relief

or reliefs as this Hon'ble court deems fit and proper in the circumstance of the case.

Counsel for the Petitioner:MR.A.JAGANNATHA RAO

Counsel for the Respondents 1 and 2: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following ORDER:

Petitioner is an IL-24 licencee. He has established a wine shop at Mallapur village, Uppal Mandal. He alleges that the third respondent, who established a wine shop by name Abhishek Wines at Nagaram village of Keesara Mandal, is taking steps to shift the same to Mallapur village. He claims to have made a representation on 29.11.2004 to respondents 1 and 2, raising objections for the proposed shifting, and he seeks appropriate directions in this regard.

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition & Excise.

Granting of licences and shifting of shops is provided for, under the A.P. Excise Act and the A.P. Indian Liquor and Foreign Liquor Rules, 1970. Further, the Government also formulates policies year after year in this regard. Any action, be it for grant of licence or shifting of shops, is required to be in conformity with the relevant provisions as well as the policies. This Court cannot express any opinion at this stage. The petitioner can be said to have had any genuine grievance, if only respondents 1 and 2 take any decision contrary to the relevant provisions. It cannot be said that respondents 1 and 2 would disregard the relevant provisions while considering the application of the third respondent.

Hence, the writ petition is disposed of directing that respondents 1 and 2 shall take into account the relevant provisions of law as well as the representation

made by the petitioner before according any sanction for shifting of the shop, established by the third respondent. No order as to costs.

09.12.2004

Note:

Issue CC in three days.

(BO)

ksld

To

1 The Commissioner of Prohibition and Excise, Nampally, Hyderad
2 The Prohibition and excise Superintendent, Ramga Reddy District, at

Nampally, Hyderabad
3 Two CCs. to the G.P. for Prohibition & Excise, High Court of A.P.,

Hyderabad (OUT).

4 Two CD copies.